

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Case No. 3:24-cv-05786

Plaintiff,

COMPLAINT

V.

SHOJAHONMIRZO ABDUMALIKOV,

Defendant.

I. INTRODUCTION

1. Plaintiff United States of America files this complaint seeking an Emergency Temporary Restraining Order to permit involuntary medical testing and to administer involuntary hydration and nutrition of Defendant Shohjahonmirzo Abdumalikov, a noncitizen lawfully in detention at the Northwest ICE Processing Center (“NWIPC”). Defendant was classified as a hunger striker on July 25, 2024. His refusal to eat and drink has reached a point where Defendant may suffer serious bodily injury and the Secretary of the Department of Homeland Security (“DHS”), through component agencies, Immigration and Customs Enforcement (“ICE”) and the Public Health Service, Division of Immigration Health Services Corps (“IHSC”), or other health care

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1 providers who are under contract with ICE, need to conduct medical testing is to evaluate him
2 and to administer involuntary hydration and nutrition to preserve his health and life.

3 2. ICE seeks injunctive relief to provide life-sustaining treatment to Defendant in compliance
4 with its duty under 8 U.S.C. § 1231(f), which authorizes the Attorney General, through ICE, to
5 provide necessary medical treatment to noncitizens in removal proceedings. *See* 8 U.S.C.
6 § 1231(f). In support of this Complaint, Plaintiff alleges as follows:

7 **II. JURISDICTION**

8 3. The Court has jurisdiction pursuant to 28 U.S.C. § 1345 because the United States is the
9 Plaintiff. Additionally, this case presents a federal question within the Court's jurisdiction under
10 28 U.S.C. §§ 1331 and 1343. The United States may seek the requested relief pursuant to the
11 Declaratory Judgment Act, 28 U.S.C. § 2201 ("DJA").

12 **III. VENUE**

13 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because Defendant is detained at the
14 NWIPC in Tacoma, Washington.

15 **IV. FACTS**

16 5. Defendant is an individual in ICE custody at NWIPC.

17 6. Defendant is a citizen and national of Uzbekistan. He is presently detained at the NWIPC
18 under the immigration laws. Ex. A, Declaration of Geoffrey White ("White Decl."), ¶ 4. He has
19 been detained at NWIPC since August 8, 2024. *Id.*, ¶ 7.

20 7. Defendant has been on a self-imposed hunger strike and, as of the morning of September
21 19, 2024, had missed 179 meals. Ex. B, Declaration of Dr. Eddie Wang ("Wang Decl."), ¶ 7.

22 8. Since Defendant began his hunger strike, medical staff have unsuccessfully attempted to
23 convince him to end his hunger strike and begin eating food. Wang Decl., ¶¶ 19, 20. It has been
24 explained to Defendant that if he continues the hunger strike, his health will be seriously

1 jeopardized, and he may eventually die. *Id.* ¶ 20. Despite repeated efforts to convince him to eat,
2 Defendant has failed to cooperate and expressed his commitment to continue his hunger strike.
3 *Id.*

4 9. Medical staff has informed Defendant of the involuntary hydration and feeding procedures
5 that will be pursued to prevent injury and/or death to himself should he continue not to eat. Wang
6 Decl., ¶ 9.

7 10. With limited exceptions, Defendant refuses to consent to IHSC performing physical
8 examinations or obtaining laboratory samples for testing. Wang Decl., ¶¶ 11, 12.

9 11. Defendant's treating physician at NWIPC believes that it is necessary to perform
10 laboratory tests and physical evaluations to monitor and assess Defendant's clinical condition,
11 intravenous hydration, and involuntary nutrition administered via a nasogastric tube and/or
12 intravenously, as his condition is expected to decline as his hunger strike continues. *See* Wang
13 Decl., ¶¶ 12, 14, 16, 18, 21-24.

14 12. The United States requests an order allowing these procedures to remain until such time
15 as Respondent discontinues his hunger strike or is no longer detained at NWIPC. Wang Decl.,
16 ¶ 24.

17 **V. CAUSE OF ACTION**

18 13. Based on the foregoing facts, which are incorporated herein by reference, Plaintiff seeks
19 a declaratory judgment adjudicating the rights and duties of the parties with respect to Defendant's
20 medical care in light of his hunger strike. *See* 28 U.S.C. § 2201.

21 14. Defendant is being detained at the NWIPC pending his removal proceedings. ICE is
22 authorized to provide medical treatment to noncitizens who require treatment during removal
23 proceedings. 8 U.S.C. § 1231(f); 8 C.F.R. § 241.2(a).

1 15. There are legitimate government interests in preserving the life of an immigration
2 detainee, maintaining security and orderly operations in immigration detention facilities, and
3 avoiding burdensome and unnecessary litigation.

4 16. There is a valid and rational connection between these government interests and the
5 above-described involuntary medical examinations, and to use restraints if necessary.

6 17. The above-described involuntary medical examinations and use of restraints, if necessary,
7 are essential to preserve Defendant's life and health.

8 **VI. PRAYER FOR RELIEF**

9 1. Plaintiff requests that the Court issue a declaratory judgment in favor of the United States
10 which recognizes:

11 a. Defendant has no right to engage in a life-threatening hunger strike; and
12 b. The United States has the right and duty to prevent permanent damage and risk of
13 death to Defendant by performing laboratory tests and physical evaluations to monitor and assess
14 Defendant's clinical condition.

15 c. The United States has the right to administer intravenous hydration and
16 involuntary nutrition administered via a nasogastric tube and/or additional nutrients intravenously
17 to preserve Defendant's health and life.

18 2. That the Court issue a temporary restraining order permitting the United States, through
19 competent medical providers employed or contracted with IHSC, to conduct physical
20 examinations orthostatic vital sign monitoring, weight monitoring, EKG, laboratory testing,
21 urinalysis, blood draws, to administer intravenous hydration and involuntary nutrition
22 administered via a nasogastric tube and/or intravenously, and to restrain Defendant if he resists
23 these efforts to medically examine or treat him.

24 3. For other such relief as the Court deems appropriate.

1 DATED this 19th day of September, 2024.

2 Respectfully submitted,

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